REMARKS

Applicant respectfully requests resconsideration of the present application in view of the amendments set forth above and the remarks below.

Claims 1-39 are pending and are rejected. Claims 1, 18, 32, and 39 are herein amended. New claim 40 is herein added.

Double Patenting

The Examiner makes provisional obvious-type double patenting rejections on each of co-pending application numbers: 10/812,503; 10/812,509; and 10/869,807. Applicant encloses herewith a Terminal Disclaimer for these applications.

The Drawings

The Examiner indicates that corrected drawing sheets are required. However, Applicant cannot identify any basis for the corrected drawing request in the Office Action. Applicant notes that formal drawings prepared by a patent draftsman have been submitted. Applicant respectfully requests clarification.

The Specification

The Examiner objects to informalities in the specification set forth on page 5 of the present Office Action. Applicant amends the specification as set forth above as suggested by the Examiner.

Claim Objections

Applicant amends the claims 1, 18, 32, and 39 to remove a stray "and" as pointed out by the Examiner.

The Prior Art Rejections

Claims 1-39 are rejected under 35 U.S.C. §103 over U.S. Publication No. 2002/0198985 to Fraenkel et al. in view of U.S. Patent No. 6,271,845 to Richardson.

Claim 1 is amended to incorporate the subject matter of claim 17 into claim 1. Amended claim 1 requires a method of displaying alert information for objects in a network, including activating a first trigger when the first threshold is exceeded, identifying the first one of the network objects as a potential root cause of a network problem, displaying a topographical network map including the first one of the network objects, and *displaying statistical bands for a metric associated with the first one of the network objects.*

With this arrangement, an exemplary embodiment of which is shown in Figure 10 of the present specification, a user can quickly set upper and lower ranges for a given metric. As stated in the specification in paragraph [0069], "statistical bands refer to a *region* 506 defined by a statistical relationship to actual data 502 for one or more object metrics." For example, if two standard deviations are used for a performance metric, say response time, over a period of time, say the past two weeks, a user can be easily set meaningful triggers will little needed expertise.

For original claim 17, the Examiner points to Fraenkel at Figures 13-16, 30, 34a, 34b, 36a and 37. Applicant submits that none of these figures or the accompanying description can reasonably be construed to teach the claimed step of "displaying statistical bands for a metric."

Figures 13-16 of Fraenkel show "status report web pages." As explained in paragraphs [0123] et seq., these figures show monitoring sessions with *actual performance data* for a monitoring session, where the data can be transaction time, e.g., minimum, average, and maximum. Figures 13-16 contain nothing remotely resembling the claimed "statistical bands."

Figure 30 merely shows a graph of response time and server memory capacity. Figures 34a and 34b show transaction response time. Figures 36a and 37 show root cause analysis screens having an 'expand all' feature to show actual performance data. None of these figures disclose or suggest anything relevant to the claimed "statistical bands."

In view of the above, Applicant submits that claims 1-16 and 18-39 are patentably distinguishable over the cited references. Accordingly, a notice of allowance for these claims is respectfully requested.

Applicant respectfully requests consideration for new claim 40.

The Examiner is respectfully invited to telephone the undersigning attorney if there are any questions regarding this Response or this application.

Applicant does not concede that the Examiner has met the burden of properly establishing prime facie obviousness and reserves the right to dispute the Examiner's assertions without prejudice. Applicant makes the present amendments to expedite allowance of the present application.

The Assistant Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 500845, including but not limited to, any charges for extensions of time under 37 C.F.R. §1.136.

Respectfully submitted,

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